

**BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS
MINUTES OF MEETING OF THE BOARD**

DATE: May 18, 2005

**PLACE: Department of Administration
One Capitol Hill, Conference Room B
Providence, RI 02908**

MEMBERS PRESENT: Dana M. Newbrook, James R. Carlson, Mark Saccoccio and Wilbur E. Yoder

OTHERS PRESENT: Thomas A. Palombo, Assistant Attorney General

Sean Fontes, Special Assistant Attorney General

Dawne Broadfield, Board Executive

Barbara Feibelman

John J. Hogan, Cyndi Gerlach, Jeff Hatcher, Jeremy Bonin, Daniel Grady, Paul Castellone and Christopher McMahan

CALLED TO ORDER: Chair Newbrook called the meeting to order at 3:40 pm. to commence Board business.

MINUTES OF THE MEETING OF THE BOARD

(1) Mr. Saccoccio moved to approve the open meeting minutes of

April 20, 2005 as printed. Mr. Yoder seconded. Motion approved unanimously.

(2) Mr. Saccoccio moved to approve and seal the executive session meeting minutes of the April 20, 2005 as printed. Mr. Yoder seconded. Motion approved unanimously.

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 3:45 p.m. pursuant to RI General Laws, § 42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and § 42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Mr. Yoder seconded. Motion approved unanimously.

(2) Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 4:07 p.m. pursuant to R.I.G.L. §42-46-4. Mr. Saccoccio seconded. Motion approved unanimously.

(3) Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Mr. Saccoccio seconded. Motion approved unanimously.

(4) Secretary Carlson moved to record the votes taken in executive

session in accordance with Rhode Island General Law §42-46-4 as follows. Mr. Saccoccio seconded. Motion approved unanimously to close Sweenor Builders and Dante Marinaro.

(5) Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Mr. Saccoccio seconded. Motion approved unanimously.

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INTERVIEW: Douglas T. Rand

Present was: Mr. Douglas Rand, Architectural Registration Examination (ARE) Candidate

Mr. Rand appeared before the Board at 4:13 p.m.

Chair Newbrook explained to Mr. Rand that the Board reviewed his request for an eligibility period extension and noted the Mr. Rand had already had two prior eligibility extensions and was in danger of

loosing several examination sections due to the rolling clock. Chair Newbrook asked Mr. Rand to explain to the Board why he was having difficulties.

Mr. Rand indicated to the Board that he began and stopped with the assumption that he would continue taking the exam. Mr. Rand indicated that he had actually been taking his examinations since the fall and had just recently passed Building Design. This past Saturday he took General Structures. This coming Monday he stated that he is due to take the Lateral exam and then is due to take the Building Technology the second week of June. Then he would be retaking the Site Planning section and the earliest that he could retake it would be August 16, 2005. Chair Newbrook asked Mr. Rand if he had a feeling as to why he had difficulty with Site Planning. Mr. Rand stated that his only explanation was that he must have missed something in dealing with the technical aspects of using the program. Mr. Rand stated that he did have trouble with time on one portion. Mr. Rand felt that he should not have any issue with passing the Site Planning Section this time.

Secretary Carlson asked Mr. Rand if he had any additional education since 1999. Mr. Rand stated that he did not have any additional education as in going to school. Mr. Rand stated that he went to courses on code through the BSA and he has had a structural review course offered by Boston Architectural Center and has been employed by architectural firm full-time for the past six years. Chair

Newbrook asked Mr. Rand if the firm was trying to help him with the ARE. Mr. Rand stated that the firm offers study aids and time off to take the ARE and that the support system is very good. Chair Newbrook asked if the firm had the practice programs. Mr. Rand stated that they do.

Secretary Carlson moved to approve a six-month extension from Mr. Rand's current date of July 23, 2005. Mr. Saccoccio seconded. Motion carried.

Mr. Rand left at 4:30 p.m.

OLD BUSINESS

(1) League of Cities and Town (Pre-Qualifications) – Tech Note being Developed

Vice-Chair Cirillo developed a Tech Note. Chair Newbrook updated the Board and indicated that Daniel DeDentro, State Building Code Commissioner, sent out a copy of the Tech Note and asked each of the Design Professionals Boards whether or not they could support it. Chair Newbrook responded on behalf of this Board stating that this Board could support it. Chair Newbrook stated that he did not know whether or not the other Boards have responded.

Secretary Carlson moved to continue. Mr. Saccoccio seconded.

Motion carried.

(2) 2005 Legislation - Interior Designers (2005 – S 0102) – AIA/RI attending at 4:30 p.m. to discuss the results of the Registration Board's efforts regarding the Interior Designer Practice Act.

Present were: John J. Hogan, Cyndi Gerlach, Jeff Hatcher, Jeremy Bonin, Daniel Grady, Paul Castellone and Christopher McMahan

Mr. Saccoccio gave an update on the Interior Designer bill. Mr. Saccoccio stated that he testified before the Senate Finance, Technology and Regulatory Committee and proposed the Board's amendments to the proposed practice act and indicated that this bill was the practice of architecture and architecture is already regulated. The committee voted to pass the bill onto the full Senate floor for a vote. After additional lobbying, the bill was pulled from the floor and remanded back to the committee for review. Mr. Saccoccio spoke to Senator Walaska

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and asked for additional time to come up with a bill that everyone could agree on. Senator Walaska agreed. Mr. Saccoccio then proceeded to request guidance from Daniel Taylor, legal counsel, to the National Council of Architectural Registration Boards (NCARB). The Board made those changes as follows: page 1, line 1, the words "design professionals" were struck and "interior designers" were added to make the language consistent with the other Boards;

throughout the document the word “registered” was added before “interior designer” to make the distinction between and interior designer with qualifications verses an interior designer without qualifications; page 1, line 10, the words “not involving the practice of architecture or engineering as defined by the laws in Rhode Island” were added after “performing services”; page 1, line 13, the words “(iii) prepares plans and specifications for non-loading interior construction, materials, furnishes, site planning, reflected ceiling plans, furnishing, fixtures and equipment relative to the design of interior spaces” were struck; page 2, line 1, the words “or (ii) has used or has been identified by the title “interior designer” for at least ten (10) years preceding October 1, 2005” were struck; page 5, line 9, the word “annually” was struck and “biennially” was added to make the language consistent with the other Boards. Secretary Carlson asked about the sunset provision clause. Mr. Saccoccio indicated that clause will be added since that was the only item that the committee agreed on. Mr. Saccoccio felt that this was a good compromise and a good place to start since Senator Walaska indicated to him that this could be changed and tweaked over the years.

The Board then heard testimony from several people who attended this meeting. Cyndi Gerlach, Chair of Legislative Affairs, from the American Institute of Architects (AIA), spoke to the Board. Ms. Gerlach indicated that the AIA and AIA National would like to make recommendations to the Board on this bill. The recommendations

were are follows: page 1, 5-77-1(2), the AIA requested that the last line “in order to enhance and protect the health, safety and welfare of the public” be struck; page 2, 5-77-3(b), the AIA questioned whether or not a member could be appointed by the President of the Senate and Speaker of the House due to “Separation of Powers”. The Board replied that this should be consistent with the rest of the Boards and that the members be appointed by the Governor; page 3, 5-77-6, the AIA indicated that the requirement is exam and there was no requirement for education and experience. The Board replied that a person cannot qualify to take the exam without education and experience per the requirements of the National Council of Interior Designers Qualifications (NCIDQ); page 4, 5-77-10, the AIA questioned whether or not “gross negligence” applies when it comes to a Title Act. The AIA National recommended that the code of ethics that applies to architects also applies to interior designers.

Paul Castellone from Vision III Architects commented on the Practice Act that was no longer on the table.

Jeff Hatcher from Robinson Green Beretta Corporation questioned the issue as to how the interior designers are trained by education and if grandfathered by experience are competent enough to protect the health, safety and welfare of the public.

John J. Hogan, lobbyist from the AIA National, requested the opportunity to work with both the Board and the interior designer

profession to get the best possible solution. Mr. Hogan then expressed the AIA's commitment and appreciation for the opportunity to present their comments to the most current proposal.

At the end of the testimony, the Board and the AIA were in agreement.

Chair Newbrook clarified that this Board did not know this bill was being introduced. It was left over from last year. The Senate Financial, Technology, Regulatory Committee told Chair Newbrook that he had a week to prepare and make his presentation. The Board then felt that they should be looking at a practice act and offered that to the Interior Designers. The Board was then observed as being the leaders of this bill and that was not the case. The Board was reacting to this bill. When the Board testified, there was another bill introduced. The Board was trying to catch up. Chair Newbrook stated that he has not seen a lobbyist for the Interior Designers. Mr. Hogan also stated that he has not seen a lobbyist registered to date for the interior designers.

Secretary Carlson stated that he does believe there is a risk to the public with interior designers and that the only way to regulate the interior designers is with a Practice Act. Secretary Carlson felt that this is a small step to improving public safety if people can make a distinction between someone who is trained and educated to someone who is not. The Board felt that this is the way for the interior designers to elevate their profession. Secretary Carlson also

recommended that “protect the health, safety and welfare of the public” stay in the bill since that would be the reason for the law.

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Mr. Saccoccio moved that the Board authorize the resubmission of the Interior Designer bill (2005 – S0102) based on the changes that were discussed as follows: add back grandfathering; create staggered terms for the Board members; reduce the public member to one; all Board members be appointed by the Governor; strike the roster of architects; strike gross incompetence and renumber accordingly; add the sunset provision. Mr. Yoder seconded.

Discussion occurred. Mr. Hatcher expressed his concerns regarding the health, safety and welfare since the interior designers are not presently educated and tested to do that task. Secretary Carlson disagreed and indicated that interior designers are educated, tested and have some experience with an examination that includes codes to protect the public to some degree. Mr. Bonin elaborated that 18 to 28% of the NCIDQ exam relates to health, safety and welfare as opposed to the National Council of Architectural Registration Boards (NCARB) exam that is health, safety and welfare. Mr. Bonin indicated that the Board is giving the interior designers the responsibility but not the testing. Mr. Saccoccio stated that he did not have a problem leaving in the health, safety and welfare because without it there would be no basis for moving it forward. Mr. Hogan suggested that the Board look at the other Boards’ statute relating to health, safety and welfare in order to harmonize the language in this bill. After discussion, motion carried.

The AIA then thanked the Board. Mr. Saccoccio then indicated that the Board will be submitting the Title Act bill with the approved changes to Senator Walaska.

(3) 2005 Legislation – Responsible Control and Board Member Staggered Appointments.

Chair Newbrook stated that this legislation, 2005 – H6000, was submitted to clarify the Board’s statute regarding an architect acting in responsible control of a project. The term “responsible control” has been inserted in several sections of the Board’s statute. Chair Newbrook updated the Board and stated that Attorney Visconti is overseeing this legislation.

Secretary Carlson moved to continue. Mr. Saccoccio seconded. Motion carried.

(4) Update on Board Appointments

Chair Newbrook informed the Board that there is no news. Ms. Barbara Feibelman has been appointed to replace Mr. Mark Saccoccio and is still waiting Senate Confirmation.

Secretary Carlson moved to continue. Mr. Yoder seconded. Motion carried.

(5) Investigation Procedures

Attorney Palombo advised the Board he and Attorney Fontes prepared a two-page brief memo addressing the procedure on how the Board will handle investigations, informal conferences and formal hearings. Attorneys Palombo and Fontes did some research and determined that because this memo spells out the Board's procedures and does not change or effect the Board's law, it did not change the rules and regulations that already exist and did not need to be sent out for notice of hearing per the Administrative Procedures Act (APA) rule making requirements.

Attorney Fontes suggested that whether or not the Board is investigating an unlicensed or licensed situation and there is a question of probable cause, the Board member will report to the prosecuting attorney to answer legal questions and determine probable cause. There is no difference between unlicensed and license because the goal is probable cause.

Mr. Saccoccio moved to accept the two-page memo submitted by Attorneys Palombo and Fontes from the Attorney General's office dated May 16, 2005 on Procedures for Investigations, Informal Conferences and Formal Hearings. Secretary Carlson seconded. Motion carried.

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BLUE BOOKS (RECIPROCITY)

(1) Mr. Saccoccio moved to approve the following Blue Books as submitted with an expiration date of December 31, 2005. Secretary Carlson seconded. Motion carried.

(1) ANDRADE, Fernando J. (5) MORI, Toshiko

(2) BARTELDT, Jr., BRUCE Alan (6) POPE, Stephen R.

(3) CEDARGREEN, Christopher Jon (7) ROSE, Charles Buckley

(4) FORTH, Mark (8) SCHEID, Douglas M.

(2) Mr. Saccoccio moved to hold the Blue Book for Jeffrey A. Bossert and that the Board requests why he did not answer “yes” to the question on his application that stated “Have you been found by a Court or Registration Board to have violated the architectural registration laws or the professional/occupational laws of any jurisdiction?” Secretary Carlson seconded. Motion carried.

(3) Mr. Saccoccio moved to hold the Blue Book for Jeremy A. Greene. Mr. Greene answered “yes” to the question on his application “Have

your or any agent of your firm practiced, or solicited architectural work or represented yourself as an architect in this State prior to having been licensed”. The Board requested him to explain what constituted the practice of architecture. Secretary Carlson seconded. Motion carried.

GREEN BOOKS (APPROVAL TO TAKE ARCHITECTURAL REGISTRATION EXAM)

(1) Secretary Carlson moved to approve the following Green Books as submitted. Mr. Saccoccio seconded. Motion carried.

(1) CECERE, Matthew D. (3) VENTRONE, Jr., Richard A.

(2) FRAUSTO-ROBLEDO, Anthony M.

REQUESTS FOR EXTENSION OF ARCHITECTURAL REGISTRATION EXAMINATION ELIGIBILITY DATE PERIOD.

(1) DAVIES, Jennaca Leigh – Mr. Saccoccio moved to extend the architectural registration examination eligibility period for two years to expire on May 18, 2007. Mr. Yoder seconded. Motion carried.

(2) GUGLIELMO, Jr., Michael – Mr. Saccoccio moved to extend the architectural registration examination eligibility period for two years to expire on May 18, 2007. Mr. Yoder seconded. Motion carried.

(3) KATAYEVA, Marina – Mr. Saccoccio moved to extend the architectural registration examination eligibility period for two years

to expire on May 18, 2007. Mr.Yoder seconded. Motion carried.

CERTIFICATES OF AUTHORIZATION APPLICATIONS (See Attached List)

(A) Mr. Saccoccio moved to approve the applications for Certificates of Authorization for the Sole Proprietorships for Edward O. Nillson, Robert D. Pfeifer, Architect, Patrick J. Slattery, Architect as submitted. Secretary Carlson seconded. Motion carried.

(B) Mr. Saccoccio moved to approve the application for Certificate of Authorization for the Partnership for Shope Reno Wharton Associates as submitted. Secretary Carlson seconded. Motion carried.

(C) Mr. Saccoccio moved to approve the application for Certificate of Authorization for the Limited Liability Partnership for TAG International, LLP as submitted. Secretary Carlson seconded. Motion carried.

(D) Mr. Saccoccio moved to approve the application for Certificate of Authorization for the Limited Liability Company for Gregg Wies & Gardner Architects, LLC as submitted. Secretary Carlson seconded. Motion carried.

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(E) Mr. Saccoccio moved to approve the applications for Certificates of Authorization for the Corporations for Interior Architects, P.C., Leers, Weinzapfel Associates Architects, Inc., Opus Architects &

Engineers, P.C., Shop Architects, P.C. as submitted. Secretary Carlson seconded. Motion carried.

(F) Mr. Saccoccio moved to approve the application for Certificate of Authorization for the Corporation for The Austin Company Architects, Inc. to change the person in responsible charge as submitted. Secretary Carlson seconded. Motion carried.

(G) Mr. Saccoccio moved to approve the application for Certificate of Authorization for the Corporation for Earth Tech Architects & Engineers, Inc. to change the name from TAMS Architects & Engineers, Inc. as submitted. Secretary Carlson seconded. Motion carried.

NEW BUSINESS

(1) Election of Officers

Mr. Saccoccio moved to nominate all the officers as they stand, Dana M. Newbrook, Chair; Joseph A. Cirillo, Vice-Chair; and James R. Carlson, Secretary. Mr. Yoder seconded. Motion carried.

(2) Regulatory Agenda – Secretary of State – Report Due June 15, 2005

The Board will report to the Secretary of State that there are no items

on the Board's agenda to report at this time.

(3) Outside Legal Counsel

Chair Newbrook informed the Board that Robert C. Bromley, Senate Fiscal Analyst, advised the four Boards that the Governor's office recommended elimination of the Board's outside legal counsel, Visconti & Boren. The State is creating a legal department in the Department of Administration. A legal counsel from that department will be appointed the Boards. All four Board chairs were asked to give their opinion.

Secretary Carlson stated that it depended on whom the person was assigned to the Board, do they have any staff, how many Boards will the legal department be covering and can the Board get any service. Secretary Carlson also indicated that Visconti & Boren has knowledge of construction law, which is relevant to the Board's issues and questioned whether the Board would receive someone with that knowledge and experience. Secretary Carlson asked what the Board should do.

Chair Newbrook felt that the Board was going to loose a good person who is very knowledgeable in the Board's area. Secretary Carlson also stated that Visconti & Boren is also responsive. Mr. Saccoccio stated that he felt that the Board's position should be that the Board needs representation and response. Secretary Carlson stated that

the Board would need someone with relevant experience and who is not overworked so that they cannot be responsive.

ADJOURNMENT

Chair Newbrook informed the Board that the next Board meeting is scheduled for June 15, 2005 at 3:30 p.m. at One Capitol Hill, Conference Room B, Providence, RI 02908. Mr. Saccoccio moved to adjourn the meeting at 6:03 p.m. Secretary Carlson seconded. Motion carried.

Respectfully submitted,

**James R. Carlson, NCARB, AIA
Secretary**

JRC/dmb

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C. O. A. APPLICATIONS

Board Meeting of 18 May 2005

SOLES

EDWARD O. NILSSON No Fee APPROVED – 05/18/05

A-10,562 - Change in name on COA -Approved

last month as sole proprietorship: NILSSON & SIDEN ASSOCIATES

ROBERT D. PFEIFER, ARCHITECT - 0 - APPROVED – 05/18/05

PATRICK J. SLATTERY, ARCHITECT - 0 - APPROVED – 05/18/05

PARTNERSHIPS

SHOPE RENO WHARTON ASSOCIATES \$100. APPROVED – 05/18/05

LIMITED LIABILITY PARTNERSHIPS

TAG INTERNATIONAL, LLP \$100. APPROVED – 05/18/05

LIMITED LIABILITY COMPANIES

GREGG WIES & GARDNER ARCHITECTS, LLC \$100. APPROVED – 05/18/05

CORPORATIONS

INTERIOR ARCHITECTS, P.C. \$100. APPROVED – 05/18/05

LEERS, WEINZAPFEL ASSOCIATES ARCH., INC. \$100. APPROVED – 05/18/05

OPUS ARCHITECTS & ENGINEERS, P.C. \$100. APPROVED – 05/18/05

SHOP ARCHITECTS, P.C. \$100. APPROVED – 05/18/05

AMENDED APPLICATION

THE AUSTIN COMPANY ARCHITECTS, INC. No Fee APPROVED – 05/18/05

A-14,350 - Change in responsible charge

EARTH TECH ARCHITECTS & ENGINEERS, INC. \$ 50. APPROVED - 05/18/05

A-14,324 - Name change from: TAMS ARCHITECTS & ENGINEERS,

INC.

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